

U.S. Application Serial No. 09/700,713
Amendment dated October 28, 2003
Reply to Office Action of July 28, 2003

REMARKS

Claims 1, 2, 4, 6, 9, 10 and 15-17 are presently pending. Claims 1-14 and 17 are canceled without prejudice to future presentation. Applicants are submitting new claims 18-26, with new claim 18 being the sole new independent claim. Claim 15 has been rewritten in independent form and amended to remove a phrase which the Examiner has asserted is indefinite. Claim 16 has been amended to depend from claim 15. Claim 18 is meant to encompass claim 4 rewritten in independent form. Claims 19-23 depend from claim 18 and incorporate limitations disclosed previously in canceled claims. Claim 24 recites the method of claim 18 wherein the feedstuff additive is provided in concentrations between 1 and 1000 µg. Claim 25 recites the method of claim 18 wherein the feedstuff additive is provided in dosages between 1 and 1000 µg per kg of body weight. Support for these claims can be found, e.g., at page 10. Claim 26 recites the method of claim 18 wherein the feedstuff added is provided at concentrations between 0.000001 to 0.001% by weight of said feed. Support for this claim can be found, e.g., at pages 9-10.

Claim rejections

Claims 1, 2, 6, 9 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by any of U.S. patent No. 5,346,891, U.S. patent No. 5,494,819 or WO96/23002. Claims 1, 2, 6, 9 and 10 have been canceled and it is believed that this ground for rejection is moot.

Claim 6 was rejected under 35 U.S.C. 112, second paragraph for lack of enablement. Claim 6 has been canceled and it is believed that this ground for rejection is moot.

Claims 15-17 were rejected under 35 U.S.C. 112, second paragraph, for being

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indefinite. The Examiner is of the opinion that the phrase “wherein the infection is caused by disease” as in claim 15 is not clear, since the Examiner is also of the opinion that “[i]nfection is a disease” (Office Action of July 28, 2003 at page 9). The Examiner has not provided an independent basis for the rejection of claim 16 under 35 U.S.C. 112, second paragraph. Applicants note that both claim 15 and 16 depend from rejected claim 1. Claim 15 has been rewritten in independent form and also has been amended to overcome the Examiner’s rejection based on indefiniteness by reciting a feed composition wherein the “infection is a disease.” Claim 17 has been canceled.

Based on the amendments to the claims it is believed that claims 15 and 16 distinctly point out and particularly claim the subject matter of the invention and withdrawal of this rejection is requested. Claim 17 has been canceled and it is believed that this ground for rejection as applied to claim 17 is moot.

Claim 17 was rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,494,819. Claim 17 has been canceled and it is believed that this ground for rejection is moot.

Claim objections

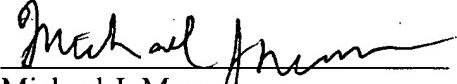
Claim 4 was objected to for depending from rejected base claim 1. Claim 1 recites a feed composition comprising a defined feedstuff additive and claim 4 recites a method of activating immunity or preventing infection in crustaceans or fish which comprises administering an effective amount of the feed composition of claim 1 to crustaceans or fish. Claim 4 has been rewritten in independent form as new claim 18, which recites a method of activating immunity or preventing infection in crustaceans or fish which comprises administering a feed which comprises a feedstuff additive as described previously in claim 1. Claims 19-25 depend from new claim 18.

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Based on the amendments to the claims, it is believed that the pending and new claims satisfy the provisions of the patent statutes and that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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